

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD JENNINGS,
Plaintiff,

No. C 08-02923 WHA

v.

***SUA SPONTE ORDER OF
DISMISSAL***

DEPARTMENT OF JUSTICE,
Defendant.

Pro se plaintiff Richard Jennings filed a “complaint: ex parte application for temporary restraining order and order to show cause re preliminary injunction” and application to proceed in forma pauperis. A court may authorize a plaintiff to prosecute an action in federal court without prepayment of fees or security therefor, if the plaintiff submits an affidavit showing that he or she is unable to pay such fees. 28 U.S.C. 1915(a). Plaintiff has submitted the required documentation. The supporting affidavits do not show that plaintiff is unable to pay the filing fees; he receives payments from the United States Department of Veterans Affairs and owns a vehicle.

Even assuming Mr. Jennings were allowed to proceed in forma pauperis, this order finds that dismissal is warranted in the instant action. A court is under a continuing duty to dismiss a case whenever it determines that the action “(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. 1915(e)(2)(B).

1 Plaintiff's complaint alleges that "officers agents servants employees and attorneys" of
2 the Department of Justice engaged in targeted harassment. This included the unauthorized and
3 illegal use and manipulation of his telephone, cellular telephone, computers, bank, internet
4 accounts, and records. His personal and financial information were disseminated "over any
5 medium to include verbal on electronic speakers on television or in print." This alleged
6 targeted harassment "caused others to comment or interact negatively towards the Plaintiff."
7 He therefore seeks a temporary restraining order enjoining the defendant from harassing him.

8 "[T]he federal courts are without power to entertain claims otherwise within their
9 jurisdiction if they are 'so attenuated and unsubstantial as to be absolutely devoid of merit.'" *Hagans v. Lavine*, 415 U.S. 528, 537 (1974). This order finds that Mr. Jennings' claims are too
10 attenuated and unsubstantial. He says that a number of unspecified "officers agents servants
11 employees and attorneys" have harassed him and invaded his privacy. It is unclear who did
12 what. Accordingly, the complaint must be dismissed.

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14 For the foregoing reasons, this order **DENIES** plaintiff's application to proceed in forma
15 pauperis, and simultaneously, **DISMISSES** the complaint.

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17 **IT IS SO ORDERED.**

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19 Dated: June 23, 2008.

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21 WILLIAM ALSUP
22 UNITED STATES DISTRICT JUDGE
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RICHARD JENNINGS,
Plaintiff,

Case Number: CV08-02923 WHA

CERTIFICATE OF SERVICE

v.

DEPARTMENT OF JUSTICE et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 24, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Richard Jennings
P.O. Box 2432
Mill Valley, CA 94942

Dated: June 24, 2008

Richard W. Wieking, Clerk
By: Frank Justiliano, Deputy Clerk